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Testimony of SIU Executive Vice President Augustin Tellez
Before the U.S. House Committee on Transportation and Infrastructure
Subcommittee on Coast Guard and Maritime Transportation
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Mr. Chairman and Members of the Subcommittee:

I am Augustin Tellez, executive vice president of the Seafarers International Union – Atlantic, Gulf, Lakes and Inland District (SIU). The SIU represents thousands of American merchant mariners employed in all maritime sectors including the inland waterways. Thank you for the opportunity to appear before this subcommittee to discuss an issue of immediate importance: safety on the inland waterways of the United States.

This hearing was scheduled in order to discuss both the recent oil spill in New Orleans involving the tug Mel Oliver, which pushed a fuel oil-laden barge into the path of the tanker Tintomara on July 23, and the safety aspects related to what I consider this very preventable incident. The collision resulted in hundreds of thousands of gallons of fuel oil spilling into the Mississippi River, creating significant environmental and financial ramifications. While the causes of the incident are still under investigation, one critical and undeniable issue is the fact that the tug involved in the collision was under the control of an inexperienced and unqualified apprentice mate and had no licensed master aboard. This in itself is a clear violation and disregard of existing law and is made even more appalling by the fact that this was not the company's first instance involving tugs and unqualified mariners. Another tug operated by the company, the Ruby E, was involved in an incident on July 13, resulting in the sinking of that vessel. An investigation into that accident revealed that an apprentice mate was at the helm of the vessel instead of a licensed operator.

In a perfect world, the self-policing culture prevalent in the tug and barge industry on the inland waterways may have some value. Unfortunately, in the real and imperfect world, there are companies that will choose short-term commercial expedience and financial gain above marine safety and protection of the environment, to the detriment of responsible carriers who make the effort to provide safe marine transportation on the rivers of the United States. While the investigation into the Mel Oliver incident is ongoing and not all penalties have been assessed, what are the immediate consequences to the company stemming from the self-policing culture of the towing industry? According to press reports, the company's membership in a private association which acts as the "de facto regulator" of the towing industry has been revoked because of its failure to pass a third-party safety audit and failure to submit a letter agreeing to mandatory annual audits. However, despite this action, the company can still operate in the inland marine environment along with hundreds of other operators that do not participate in the program.

The SIU believes that the program has merit in that most members have a sincere interest in providing safe and efficient transportation. However, the SIU advances that a deep regulatory void exists in the tug and barge industry, and although it is laudable that the industry has attempted self-policing, it generally doesn't work. The U.S. Coast Guard is the government agency responsible for promoting marine safety and protecting the environment on the inland waterways. The agency has

been unable to adequately regulate the towing industry, due to lack of sufficient resources. As far as the SIU is concerned, it is the responsibility of the Coast Guard to set and regulate safety standards including those involving manning, training, inspections, etc. In fact, in a recent news article in the New Orleans Times-Picayune, a representative of the American Waterways Operators – which represents the tug and barge industry – noted that “only the Coast Guard can truly regulate the industry.” We agree.

As mentioned, self-policing may have some value, especially when regulators do not step up to the plate. But, self-policing works minimally and only when everything is going well – especially when there is no shortage of mariners, and economic conditions are favorable. Unfortunately, today that is not the case, and many companies seek short-term answers. For example, with the shortage of personnel in the towing industry at an all-time high, some companies are allowing the apprentice mate/steersman to operate a vessel without a licensed operator. Desperate times can lead to desperate measures, and it is unrealistic to expect every company to show the necessary restraint.

As a further ripple effect brought on by the shortage of mariners, it has been observed that towing companies have dramatically cut training regimens to make up for staffing shortages. The result can be seen in an inexperienced steersman operating a vessel that runs right down the Mississippi River through New Orleans and causes a catastrophe.

And now, because of the shortage of manpower in the towing industry, inland towing companies are looking to Congress and the Coast Guard to decrease the sea-time experience and training requirements for the apprentice mate/steersman to progress to mate/pilot. It is astounding that at a time when accidents in the inland industry seem to be happening more frequently and at an unacceptable rate that the Coast Guard or Congress would even consider decreasing experience and training requirements for inland boatmen.

At this point I would be remiss in not mentioning the SIU-affiliated Paul Hall Center for Maritime Training and Education, which was founded in 1967 and is located in Piney Point, Maryland. We work closely with our contracted companies through the school to provide training opportunities for our members and to help ensure the company’s vessels are crewed with properly trained and qualified people, including in the brown-water sector. The Paul Hall Center, which is a comprehensive, state-of-the-art vocational training facility, offers inland and general safety training not only at the school itself, but also on-site and aboard the company’s vessels across the country as needed and requested by our companies. The school also has created company-specific curriculums.

Some of the 70-plus courses offered by the Paul Hall Center include Radar, STCW Basic Safety Training (which includes fire fighting, first aid and CPR), oil spill prevention and containment, apprentice mate/steersman, tank ship familiarization, tankerman-PIC-barge, master limited and master unlimited (500 and 1,600 tons), engineering, oiler, pumpman, and marine electrician. All of those courses are Coast Guard-approved.

In short, the school believes that anyone choosing a career as a mariner or boatman must be taught the knowledge and skills to keep pace with technological advances within their industries. As a result, the school has developed a total program for professional advancement – resulting in a highly trained, up-to-date and competent work force for the maritime industry. We expect no less from any other maritime training institution, and we believe it is up to the Coast Guard to scrutinize what such schools offer.

The latest five-year Coast Guard Marine Safety Performance Plan has placed the towing industry under the heading “Significant Residual Risks.” The report notes that “the environment in which the towing vessel industry operates: year round, day and night, in most all weather conditions, to close quarter vessel traffic lanes, and in shallow waters (coastal and inland rivers) combine to make this industry especially high risk. The impact of disruptions to commerce due to towing vessel incidents – along with risks to ports and urban areas – can be substantial. In addition, more barges are carrying Certain Dangerous Cargoes....” The Coast Guard further states that “to address these concerns, risk mitigation, outreach, and a robust inspection program must be instituted to reduce towing vessel collisions and groundings, mariner deaths and injuries, and chemical and oil discharges.”

The SIU advances that the “Significant Residual Risks” designation makes it abundantly clear that the U.S. Coast Guard must regulate all aspects of the tug and barge industry. Their marine safety program for towing vessels must include on-site towing vessel inspections, setting of manning levels, establishing training requirements and standards, etc. The Coast Guard should work with the tug and barge industry in a mutual cooperative effort to enhance safety on the inland waterways. But under no circumstances should the towing and barge industry be permitted to practice self-policing in crucial areas.

I would like to note that in the unregulated segment of the industry, companies which operate under maritime labor contracts such as those found in the SIU typically enjoy safe and efficient operations. Those safe and efficient operations in part are ensured by productive relationships between the unions and the companies that help provide comprehensive training while promoting high levels of personal safety and environmental standards. The agreements also stipulate effective and proper manning levels.

In conclusion, the SIU has a history of appearing before various Congressional committees and subcommittees affirming their commitment to safety in the marine environment. On multiple occasions, we have testified for and supported the initiation of Merchant Mariner Documents for mariners on the inland waterways, attempting to demonstrate that such documents indeed would improve safety in that sector. Now is the time for the subcommittee to revisit this important issue.

Again, thank you for the opportunity to participate in this hearing and to express our views concerning safety on the inland waterways. The SIU stands ready to assist this subcommittee and the Coast Guard in promoting safety and environmental protection in the brown-water sector. I will be happy to answer any questions.

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